

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**

Ordinance No. 2019-037

4
5
6 **AN ORDINANCE REVISING PROVISIONS OF THE CITY'S ZONING CODE TO**
7 **REGULATE PARTY HOUSES IN RESIDENTIAL DISTRICTS AND FOR OTHER**
8 **LAWFUL PURPOSES**

9 **(Sponsored by Councilperson Gumbs)**

10
11 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
12 organized and existing under the laws of the State of Georgia;

13
14 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
15 Council thereof ("City Council");

16
17 **WHEREAS**, the City has been vested with the power and authority to
18 regulate the practice, conduct or use of property for the purposes of maintaining
19 health, morals, safety, security, peace and the general welfare of the City;

20 **WHEREAS**, the City Council finds that the City has had numerous problems
21 with persons in single family residential homes running party home businesses,
22 disturbing the neighborhood and causing an increase in nuisance and criminal
23 activity;

24 **WHEREAS**, the City Council find that in order to curb negative outcomes
25 due to commercial party houses, the City would be duly served to regulate the
26 location and circumstances of such property uses;

27 **WHEREAS**, prior to adoption of this Ordinance, the City Council conducted
28 a properly-advertised public hearing in accordance with the provisions of the
29 Georgia Zoning Procedures Act; and

30 **WHEREAS**, the City Council finds this Ordinance to be in the best interests
31 of the health, safety, and general welfare of the City.

32
33 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as
34 follows:

35
36 **Section 1:** Appendix C ("Zoning Resolution") of the Code of the City of South
37 Fulton is hereby amended by revising Article III ("Definitions"), Section 3.3.16 ("P")
38 to add the definition of "party house" to read as follows:

39
40 **Sec. 3.3.16. P**

41

42 *Party House.* A single-family detached dwelling unit, including all accessory
43 structures, which is used for the purpose of hosting a commercial event. For this
44 definition, commercial event includes parties, ceremonies, receptions or similar-
45 scale gatherings where the attendees are charged entry to the event, either in cash
46 money or other remuneration, or the structure and its curtilage otherwise functions
47 as a commercial recreation facility. An event produced by an owner-occupier of
48 the property, or a long-term lessee residing on the property for a period not less
49 than one year, where no remuneration is charged to guests shall not qualify under
50 this definition.
51

52 **Section 2:** Appendix C ("Zoning Resolution") of the Code of the City of South
53 Fulton is hereby further amended by further revising Article XIX ("Administrative
54 Permits and Use Permits"), by adding new Section 19.3.6(2) ("Party House") to
55 read as follows:
56

57 **Sec. 19.3.6(2). Party House.**
58

59 A. *Required Districts.* R-1 and R-2.
60

61 B. *Standards.*
62

- 63 1. A Single Family Residential Property may only be utilized as
64 a "Party House" by Special Administrative Permit on lots with
65 at least 300 feet of frontage on a public street and a primary
66 structure no less than 4,000 square feet in area.
67
- 68 2. An event defined as a "Party House" may only be conducted
69 inside the primary structure and/or in a completely fenced
70 back yard.
71
- 72 3. With exception of traditional internal lighting and porch lights,
73 no other illumination may be utilized during a "Party House"
74 event, including, but not limited to, strobe lighting, disco-ball
75 light, spotlight or any other light used to draw attention to the
76 structure.
77
- 78 4. Any music utilized for the "Party House" event must be
79 contained solely inside the primary structure and shall be
80 subject to the applicable provisions of the City's Noise
81 Ordinance contained in Title 3, Chapter 6 of the City Code.
82
- 83 5. In addition to an Administrative Permit, the owner of each
84 "Party House" cannot have such an event at the residence
85 without acquiring an occupation tax certificate from the City.
86 An Administrative Permit and Occupation Tax Certificate for a

87 "Party House" may only be granted to the owner of the
88 property.

- 89
- 90 6. Event guests at a "Party House" must park only on the
91 designated driveway or on the public street directly in front of
92 the residential lot on which the event is taking place, on the
93 same side of the street, and only for the length of the street
94 frontage directly abutting the property.
- 95
- 96 7. A qualifying event at a "Party House" may not continue past
97 11p.m. on Sunday – Thursday, or midnight on Friday-
98 Saturday or any Federal Holiday.
- 99
- 100 8. Neither an Administrative Permit nor an Occupation Tax
101 Certificate may be granted to any property for a "Party House"
102 that is located within 2000 feet of any City or County park
103 facility, senior housing or public or private school, or be within
104 1,000 feet of more than 2 other residential lots.
- 105
- 106 9. No alcohol may be sold during a qualifying event of a "Party
107 House" and no more than one (1) drink may be included as
108 part of a cover charge for said event. For purposes of this
109 provision, one drink shall be either a 12 oz. malt beverage, 12
110 oz. glass of wine or an alcoholic drink featuring no more than
111 1.5 oz. of any distilled spirit.
- 112
- 113 10. An Administrative Permit and Occupation Tax Certificate for a
114 "Party House" shall authorize the owner of the property no
115 more than ten (10) such qualifying events in any calendar
116 year.
- 117
- 118

119 **Section 3:** Title 15 ("Criminal Offenses"), Chapter 3 ("Offenses Involving Public
120 Peace and Order") is hereby amended by revising Section 15-3001 ("Disorderly
121 Conduct") to read as follows:

122

123

124 **Sec. 15-3001. Disorderly Conduct.**

125

- 126 (a) *Prohibited conduct*. It shall be unlawful for any person or persons
127 within the areas of the city to engage in any conduct described in
128 the following subsections:
- 129
- 130 (1) To act in a violent or tumultuous manner toward another
131 whereby any person is placed in fear for the safety of his life,
132 limb, or health;

- 133
- 134 (2) To act in a violent or tumultuous manner toward another
- 135 whereby the property of any person is placed in danger of
- 136 being damaged or destroyed;
- 137
- 138 (3) To cause, provoke or engage in any fight, brawl, or riotous
- 139 conduct so as to endanger the life, limb, health, or property
- 140 of another;
- 141
- 142 (4) To assemble or congregate with another or others for the
- 143 purpose of or with the intent to engage in gaming;
- 144
- 145 (5) To be in or about any place, alone or with another or others
- 146 with the purpose of or intent to engage in any fraudulent
- 147 scheme, trick, or device to obtain any money or valuable
- 148 thing; or to aid or abet any person or persons in doing so;
- 149
- 150 (6) To be in or about any place where gaming or the illegal sale
- 151 or possession of alcoholic beverages or narcotics or
- 152 dangerous drugs is practiced, allowed, or tolerated, for the
- 153 purpose of or intent to engage in gaming or the purchase,
- 154 use, possession or consumption of said illegal drugs,
- 155 narcotics, or alcoholic beverages;
- 156
- 157 (7) To direct "fighting words" toward another, that is words which
- 158 by their very nature tend to incite a breach of the peace;
- 159
- 160 (8) To interfere, by acts of physical obstruction, with another's
- 161 pursuit of a lawful occupation;
- 162
- 163 (9) To congregate with another or others in or on any public way
- 164 so as to halt the flow of vehicular or pedestrian traffic, and to
- 165 fail to clear that public way after being ordered to do so by a
- 166 City of South Fulton Police Officer or other lawful authority;
- 167
- 168 (10) To disrupt, by actions which tend to incite a breach of peace,
- 169 the activities of any house of worship, hospital, home for the
- 170 elderly, or any lawful meeting, gathering, or procession; or
- 171
- 172 (11) To throw bottles, paper, cans, glass, sticks, stones, missiles,
- 173 or any other debris on public property.
- 174
- 175 (12) Hosting a "party house," as defined in the zoning ordinance,
- 176 in violation of any provisions related to same in the Zoning
- Code or any other applicable ordinance of the City.
- 177 (13) Attending a "party house," as defined in the zoning code, and

causing any disturbance in violation of the city's Noise Ordinance or being visibly drunk in the front yard of the "party house" or public street.

- (b) *Penalty* . Upon a finding of guilt for a violation of this section, the offender shall be subject to imprisonment for a term not exceeding 30 days or by fine not exceeding \$500.00, or both.
- (c) *Jurisdiction* . The Municipal Court of City of South Fulton and the State Court of Fulton County shall each have jurisdictions to try the offense described in this section.

Section 14. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.


Section 5. The effective date of this Ordinance shall be on the date as set forth under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or federal law.

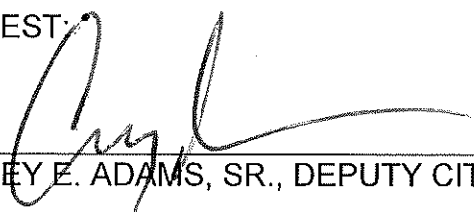
The foregoing Ordinance No. 2019-037 was moved for approval by Councilmember Gumbs. The motion was seconded by Councilmember Rowell, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mark Baker, Mayor Pro Tem	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Catherine Foster Rowell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carmalitha Lizandra Gumbs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helen Zenobia Willis	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gertrude Naeema Gilyard	<input type="checkbox"/>	<input type="checkbox"/>
Rosie Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
khalid kamau	<input checked="" type="checkbox"/>	<input type="checkbox"/>

270 THIS ORDINANCE so adopted this 10th day of December 2019.

271
272 **CITY OF SOUTH FULTON, GEORGIA**

273
274
275 
276
277 WILLIAM "BILL" EDWARDS, MAYOR

278
279 ATTEST:
280 
281
282
283 COREY E. ADAMS, SR., DEPUTY CITY CLERK

284
285 APPROVED AS TO FORM:

286 
287
288
289 EMILIA C. WALKER, CITY ATTORNEY

